

AMENDMENTS TO THE DRAWINGS

Submitted herewith please find one replacement drawing sheet in compliance with 37 C.F.R. § 1.84. The Examiner is respectfully requested to acknowledge receipt of these drawings. The submitted drawings are intended to replace the drawings previously submitted on October 11, 2006.

Attachment: One Replacement Drawing Sheet (FIG. 1).

REMARKS

Claims 1-18 constitute all currently pending claims in the application. Claims 1, 3, 5, 7, 9, and 15-18 are amended.

Drawing Objections

The Examiner objects to the drawings submitted with the amendment filed on October 11, 2006 via the Electronic Filing System (EFS). Due to an unknown technical malfunction, the characters and text on these drawings did not appear in their proper positions. Accordingly, Applicant resubmits this replacement drawing sheet, and hereby incorporates and restates Applicant's comments from the amendment of October 11, 2006 with regard to the corrected drawings. Applicant, therefore, respectfully requests that the Examiner withdraw this objection.

Claim Objections

The Examiner objects to claims 15 and 16 due to the use of parentheses in claim 15. Claim 15 is hereby amended accordingly. Applicant, therefore, respectfully requests that the Examiner withdraw this objection.

Claim Rejections Under 35 U.S.C. § 101

Claims 1-18 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant traverses this rejection for at least the following reasons.

Applicant first respectfully submits that amended claim 1 is not made non-statutory merely by the inclusion of software. A claim is statutory under 35 U.S.C. § 101 if it recites a concrete and tangible result. Applicant refers the Examiner to the USPTO Guidelines revised subsequent to the decision in Ex parte Lundgren, Appeal No. 2003-2088 (Bd. Pat. App. & Int.

2005), available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/2003-2088.pdf>. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, 1300 Off. Gaz. Pat. Office 142 (Nov. 22, 2005), available at <http://www.uspto.gov/web/offices/com/sol/og/patgupa.htm>.

In this case, amended claim 1 recites “control means” which “applies said defined dedicated processes to process primary data received by said data processing server, said data processing server transmitting said primary data based on said processing.” This portion of claim 1 clearly recites concrete and tangible results, related to processing and communicating data in a network, that in no way resemble a disembodied or abstract mathematical concept.

Amended claim 9 similarly recites “applying said dedicated processes based on primary rules to process primary data received by a data processing server, and transmitted by said data processing server based on said processing.” Amended claim 15 requires that “said network data processing module, in response to receiving said direction, manages network data according to said direction.” And finally, amended claims 17 and 18 require “communicating said combination to a network data processing module so as to direct the management of network data by said network data processing module.” As in the case of amended claim 1, each of the above-quoted portions of claims 9, 15, 17, and 18 clearly shows a concrete and tangible result related to processing, managing, or communicating data in a network.

Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of independent claims 1, 9, 15, 17, and 18, and their dependent claims 2-8, 10-14, and 16.

Claim Rejections Under 35 U.S.C. § 102

Claims 1–18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,170,012 B1 to Coss et al. (“Coss”). Applicant traverses this rejection for at least the following reasons.

Firstly, regarding use of the phrase “adapted to,” all relevant claims are hereby amended to remove this phrase; thus, Applicant respectfully submits that the relevant portions of the claims are to be given patentable weight.

Secondly, claim 1 is amended to require that “said first table is structured such that the number and type of the parameters of said at least one primary metarule are modifiable without modifying the structure of said first table.” Coss, however, fails to teach this element of claim 1.

The Examiner points to Fig. 3; col. 2, lines 37-41; and col. 4, lines 1-6 of Coss as allegedly showing a table corresponding to the “first table” of claim 1. Both Figs. 3 and 4 of Coss clearly show tables having a predefined number of columns for particular types of values. According to this architecture, since the number of columns and their types are predefined, although their values may be modified, the number and type of values of each row of the table are static. In contrast, the present disclosure describes a non-limiting exemplary embodiment in

which the number, type, and role of each parameter in a “primary metarule” is freely modifiable without the requirement of any modification to the structure of the table containing it. (E.g., Specification at 15.) Thus, the language of amended claim 1, supported by this description, clearly distinguishes over Coss.

Coss, therefore, fails to teach each and every element of amended claim 1, and thus fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of independent claim 1 and its dependent claims 2-8.

Amended independent claims 9, 15, 17, and 18 recite certain features similar to those recited in independent claim 1. These claims are therefore also patentable over Coss, at least for reasons analogous to those presented above with respect to claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of independent claims 9, 15, 17, and 18, and their dependent claims 10-14, and 16.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS).

Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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